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Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 SCS-03 L-03 DHA-02 H-01 SCA-01
JUSE-00 SNM-02 DEAE-00 PRS-01 SS-15 SSO-00 NSC-05
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----------281718Z 118189 /47
O 281520Z MAY 77
FM AMEMBASSY LA PAZ
TO SECSTATE WASHDC NIACT IMMEDIATE 5533

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FOR ASSISTANT SECRETARY TODMAN

E.O. 11652: N/A
TAGS: SNAR, CASC, BL
SUBJECT: AMERICAN PRISONERS

REF: LA PAZ 4013, LA PAZ 4080

1. MINISTER INTERIOR, GENERAL JUAN PEREDA, INFORMED ME ON MAY 27 THAT HE HAD HAD LONG MEETING WITH JUDGES, FISCALES, NARCOTICS POLICE, AND MEMBERS MININTERIOR DURING AFTERNOON MAY 26 AND MORNING MAY 27 TO REVIEW CASE OF EACH AMERICAN DETAINEE ON NARCOTICS CHARGES. MINISTER ASKED ME TO PASS TO YOU AND MS. FALCO, WHO IS HERE IN BOLIVIA, THE FOLLOWING:
A.) NEWLY NAMED JUDGES WILL START FUNCTIONING NEXT WEEK BUT WILL NOT BE ASSIGNED TO CASES WHICH ARE WELL ADVANCED. EMBASSY LEGAL ADVICER HAD ASKED ME TO MAKE THIS SPECIAL REQUEST BECAUSE HE FEARED CASES WOULD BE SET BACK. MINISTER SAID HE HAS ARRANGED IT SO THE OLD JUDGES WILL STICK WITH CASES THEY HAVE BEEN HANDLING. THIS RESPONDS TO CONCERNS OF SOME OF THE PRISONERS.
B.) MINISTER SAID THAT GROUP OF FISCALES AND JUDGES PROMISED HIM (EMPHASIZED HE IS NOT MAKING THIS COMMITMENT, RATHER HE IS TELLING US WHAT THE JUDICIAL PARTIES HAVE STATED) THAT
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THE SUPERIOR COURT WILL COMPLETE BEFORE JUNE 13 THE REVIEW OF THE CASES OF THE FOUR MEN FROM THE STATE OF WASHINGTON WHO ALREADY HAVE BEEN SENTENCED.
C.) THE JUDGES AND FISCALES PROMISED HIM THAT THEY WILL DO EVERYTHING THEY CAN TO ACCELERATE CASES OF ALL AMERICAN PRISONERS.
D.) HE PERSONALLY WILL FOLLOW UP EACH WEEK, ON EACH CASE,

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IN THE NEXT WEEKS.

2. MINISTER SAID HE VERY LEERY ABOUT MAKING COMMITMENTS
WHICH HE CANNOT PERSONALLY KEEP, ESPECIALLY ABOUT MATTERS
NOT TOTALLY WITHIN HIS COMPLETE JURISDICTION. HE FEELS
BURNED BY SOME OF HIS OWN PAST STATEMENTS, I BELIEVE.
HE TOLD ME THAT IN THE TWO MEETING THERE HAD BEEN
EMOTIONAL OUTBURSTS, RECRIMINATIONS BY JUDGES AGAINST
FISCALES, FISCALES AGAINST JUDGES, BUCK PASSING,
AND SOME BITTERNESS ABOUT OUTSIDE PRESSURE, PARTICULARLY
IN FAVOR OF ONE GROUP OF FOREIGN CITIZENS. MINISTER
SAID IT HAD BEEN NECESSARY TO SCHEDULE SECOND MEETING
TO OVERCOME THESE ATTITUDES AND TO COMPLETE THE
CASE BY CASE REVIEW. HE SAID THAT HE FELT THAT THE
SITUATION IS NOW IN HAND. IN THAT
CONNECTION HE SAID THAT HE FOUND VERY USEFUL MY LETTER
OF MAY 26 IN WHICH I LISTED SPECIFIC ACTIONS WHICH I FELT
COULD BE TAKEN BEFORE JUNE 13 TO RESOLVE SEVERAL CASES
AND ADVANCE OTHERS. COPY MY LETTER POUCHED TO ARA/AND/B.

3. I SENT MINISTER SECOND LETTER, COPY ALSO POUCHED,
ATTACHING A DRAFT FOR AN AMENDMENT TO THE NARCOTICS
LAW TO ELIMINATE THE AUTOMATIC REVIEW OF SENTENCES
BY THE SUPREME COURT. I ALSO SENT MINISTER COPY OF
LETTER I AM HAVING HAND DELIVERED TO PRESIDENT OF
SUPREME COURT, ASKING HIM TO PASS THE WORD THROUGHOUT
THE JUDICIAL SYSTEM TO ACCELERATE JUDICIAL PROCESSES OF
AMERICAN CASES IN THE NAME OF JUSTICE. MINISTER SAID MY LETTERS WERE
HELPFUL. HE DID NOT MAKE COMMITMENT ON TIMING OF ELIMINATION
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SUPREME COURT REVIEW, SO WE SHALL CONTINUE TO PUSH
THROUGH SUB-SECRETARY OF JUSTICE, THE RESPONSIBLE OFFICIAL
IN THE MINISTRY FOR DRAFT LEGISLATION IN THE JUDICIAL
FIELD. IF A CASE GETS TO SUPREME COURT BEFORE AUTOMATIC
REVIEW REQUIREMENTS ELIMINATED, WE SHALL USE EVERY MEANS
AVAILABLE TO PUSH IT THROUGH AS FAST AS WE CAN.

4. I SHOULD NOTE THAT I HAD LEGAL ADVISORS GO OVER
EACH LETTER.

5. OUR LEGAL ADVISOR CALLED TO STATE THAT DR. NILS
NOYA, DIRECTOR, REHABILITATION INSTITUTE, IS GETTING
UPSET WTH CONDUCT OF DANIEL GOLDMAN. DOCTOR IS
NOT ABLE TO CONTROL HIM AND IS AFRAID HE WILL
NOT BE ABLE TO KEEP HIM IN WHAT IS A RATHER FREE EN-
VIRONMENT. HE MAY HAVE TO MOVE HIM TO ANOTHER CLINIC
WHERE HE PROBABLY WILL BE DETAINED IN A CELL. WE HAVE
TALKED WITH DOCTOR AND HAVE PERSUADED HIM TO KEEP ON
WITH GOLDMAN FOR A WHILE LONGER. MEANTIME, WILLIAM

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RODENBURG, WHO IS IN SAME INSTITUTE, IS BEING GIVEN
FREQUENT PASSES TO LEAVE ON HIS OWN, BECAUSE DOCTOR
BELIEVES GOLDMAN BAD INFLUENCE ON RODENBURG.

6. I AM PLANNING TO VISIT COCHABAMBA AND SANTA CRUZ
NEXT WEEK AND PLAN TO VISIT BOTH JAILS. I WILL ALSO
VISIT CLINIC IN SANTA CRUZ WHERE SUSAN SCANLON
INTERNED REPORTEDLY (BY DR. FOIANINI) NOT FOR SPECIFIC
MEDICAL PROBLEM BUT FOR GENERAL RUN-DOWN CONDITION.

7. I AM SENDING A RECOMMENDATION FOR DEPARTMENT TO
ISSUE STATEMENT IN DEFENSE OF ITSELF, FOREIGN SERVICE,
EMBASSIES, CONSULATES, AND OUR OFFICERS FROM FURTHER
PRESS ATTACKS. I AM PROPOSING THAT DEPT TRY TO CLARIFY
AGAIN FOR U.S. PUBLIC OPINION THAT CONSULAR OFFICERS ARE
NOT ABLE TO OBTAIN RELEASE OF AMERICAN CITIZENS IN JUDICIAL
PROCESS OVERSEAS AND IN FACT DEPT ITSELF HAS ISSUED
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BULLETINS FREQUENTLY POINTING OUT THAT CONSULS CAN'T
GET CITIZENS OUT OF JAIL. I BELIEVE THAT IT IS TIME FOR
DEPT TO DEFEND ED MILBURN, OUR CONSUL HERE, WHO HAS DONE
A SPLENDID JOB UNDER THE MOST DIFFICULT CIRCUMSTANCES.
FOR PARENTS TO SAY AND NEWSPAPERMEN TO REPEAT THAT PRISONERS
TURN TO MILBURN FOR HELP AND HE BRUSHES THEM OFF, IS NOT
TRUE. MILBURN IS, NATURALLY, BEING BOTHERED BY THESE
ATTACKS, AND HIS WIFE IS UPSET WHEN SHE READS ABOUT ATTACKS ON
HER HUSBAND AFTER TWO YEARS OF HAVING HIM COMING HOME
LATE IN THE EVENING AFTER DOING HIS LEVEL BEST TO HELP
THE PRISONERS. I HOPE THAT YOU WILL SUPPORT ME IN THIS EFFORT
TO HAVE MILBURN GIVEN THE SUPPORT BY THE DEPT HE DESERVES.
STEDMAN

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